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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 JAMES EDWARD CURTIS,

12 Plaintiff,

13 v.

14 TERRY J. BENDA, *et al.*,

15 Defendants.

Case No. C08-5109 FDB/KLS

ORDER DENYING MOTION FOR
ORDER REVOKING COURT ORDER
AND ISSUANCE OF ORDER ENTER
DEFAULT JUDGMENT AS MOOT

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17 Before the Court is Plaintiff's Motion for Order Revoking Court Order and Issuance of Order
18 Entering Default Judgment. Dkt. # 36. Plaintiff requests that the Court revoke its service order
19 directing service of the amended complaint on Defendant Terry J. Benda and enter a default judgment
20 against Mr. Benda. *Id.* Plaintiff alleges that Mr. Benda engaged in fraud and misrepresentation in
21 avoiding service by the U.S. Marshal. *Id.* Defendants oppose the motion. Dkt. # 39.

22 On April 6, 2009, a notice of appearance and waiver of service was filed on behalf of Terry J.
23 Benda by the Attorney General. Dkt. # 38. As Mr. Benda has waived service in this matter, the issues
24 raised in Plaintiff's motion are now moot. Pursuant to Fed.R.Civ.P. 12(a), Defendant Benda has until
25 May 18, 2009, to submit his answer.

